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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,185	06/27/2001	Kazuya Suzuki	33733	3883
116	7590	10/01/2003		
PEARNE & GORDON LLP			EXAMINER	
1801 EAST 9TH STREET			SUAREZ, FELIX E	
SUITE 1200				
CLEVELAND, OH 44114-3108			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/893,185	SUZUKI ET AL.
	Examiner Felix E Suarez	Art Unit 2857

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 August 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15, 17, 18, 20, 21, 23-26 and 28-31 is/are rejected.
- 7) Claim(s) 16, 19, 22 and 27 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 1, 9, 14, 15, 17, 25, 30 and 31 are rejected under 35 U.S.C. 102(e) as being unpatentable over Dowling et al. (U.S. Patent No. 6,548,967).

With respect to claims 1 and 9, Dowling et al. (hereafter Dowling) teaches an appliance maintenance apparatus for maintaining a plurality of appliances each including a plurality of light indicators respectively (see col. 3, lines 22-44 and col. 13, lines 54-65), emitting lights showing the operation states of each of said appliances (see col. 16, lines 24-40) comprising:

light detecting means for detecting said lights emitted from said light indicators (see col. 6 line 51 to col. 7 line 20).

With respect to claims 14 and 30, Dowling further teaches comprises light information indicating means for indicating said light information detected by said light detecting means (see col. 6, lines 7-18).

With respect to claims 15 and 31 Dowling further teaches comprises light information storage means for storing light information detected by said light detecting means (see col. 17, lines 23-26).

With respect to claims 17 and 25, Dowling further teaches an appliance remote maintenance system for maintaining a plurality of appliances (see col. 3, lines 22-44 and col. 13, lines 54-65) from a remote location, each of said appliances including a plurality of light indicators respectively emitting lights showing the operation states of each of said appliances (see col. 16, lines 24-40), comprising:

an appliance maintenance apparatus including light detecting means for detecting said lights emitted from said light indicators, said lights collectively form light information, and information transmitting means for transmitting said light information detected by said light detecting means through a public network (see col. 7, lines 22-46), and

a remote diagnosis control apparatus including information receiving means for receiving said information transmitted from said information transmitting means through said public network to ensure the remote diagnosis controls of said appliances ( see col. 10, lines 26-36 and col. 13, lines 34-45).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-8, 10-13, 18, 20, 21, 23, 24, 26, 28 and 29, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dowling et al. (U.S. Patent No. 6,548,967) in view of Lys et al. (U.S. Patent No. 6,459,919).

With respect to claims 2, 10, 18, and 26, Dowling et al. (hereafter Dowling) teaches all the features of the claimed invention, except that Dowling does not teach that the light detecting includes a plurality of light receiving elements to be respectively positioned in face-to-face and spaced relationship with said light indicators of each of said appliances (or appliance).

But Lys teaches in a precision illumination system that the light module may be constructed as a self-contained module that is configured to be standard item interchangeable with similarly constructed light module (see Lys, col. 12,

lines 38-46). Lys further teaches the parallel arrangement of rows is a fail-safe measure that ensures that the light module will still function even if a single light emitting diode (LED) in a row fails thus opening the electrical circuit in that row (see Lys, col. 13, lines 16-19).

It would have been obvious to having ordinary skill in the art at the time the invention was made to modify Dowling to include the light module as taught by Lys, because the light module of Lys allows a parallel arrangement in a standard module of LEDs indicators, as desired.

With respect to claims 3, 6 and 11, Dowling teaches all the features of the claimed invention, except that Dowling does not teach the lights collectively form light information, and said appliances have a common reset switch (or each of said appliances has a reset switch) for resetting the operations of said appliances, and which further comprises judging means for judging whether to operate said reset switch after diagnosing said operation states of said appliances on the basis of said light information detected by said light detecting means, and reset switch operating means for operating said reset switch when said judging means judges to operate said reset switch.

But Lys teaches a circuit for a digitally controlled LED-base lights includes an LED assembly containing LED output channel, which are controlled by the processor. The address for the processor is set by switch unit containing

switches which are connected to individual pins of pin set of processor (see Lys, col. 13, lines 47-49 and Fig. 6).

Lys also teaches that the vernier can reduce or increase the amount of time that the pulse width modulated (PWM) signal is on, by changing the state of the signal for up to one-half of the sub-period (see Lys, col. 24, lines 60-65).

Lys further teaches a switch that is mounted on a wall or a remote control can transmit a programmed infrared, radio frequency or other signal to a receiver which can then transmit the signal to the microprocessor (see Lys, col. 26, lines 31-46).

It would have been obvious to having ordinary skill in the art at the time the invention was made to modify Dowling to include the switch of the light module as taught by Lys, because the switch of the light module of Lys allows to transmit to the microprocessor the state of the signal, as desired.

With respect to claims 4, 7, 12, 20, 23 and 28, Dowling teaches all the features of the claimed invention, except that Dowling does not teach that each of said appliances (or appliance) includes a base plate having one side surface on which said light indicators are provided, and which further comprises:

a housing formed with an opening and accommodating a plurality of said base plates, said light indicators on said one side surface of the base plates being aligned with one another on said opening of said housing; nor

a front cover plate having an inner surface and positioned to cover said opening of said housing with said inner surface opposing said opening of said housing, said inner surface having a plurality of said light receiving elements provided thereon in face-to-face and spaced relationship with said light indicators.

But Lys teaches in a precision illumination system that the light module has the LED containing side and the electrical connector side. The light module may be constructed, as a self-contained module that is configured to be a standard item interchangeable with any similarly constructed light module (see Lys, col. 12, lines 38-46). Lys further teaches the parallel arrangement of rows is a fail-safe measure that ensures that the light module will still function even if a single light emitting diode (LED) in a row fails thus opening the electrical circuit in that row (see Lys, col. 13, lines 16-19).

It would have been obvious to having ordinary skill in the art at the time the invention was made to modify Dowling to include the light module as taught by Lys, because the light module of Lys allows a parallel arrangement in a standard module of LEDs indicators, as desired.

With respect to claims 5, 8, 13, 21, 24 and 29, Dowling teaches all the features of the claimed invention, except that Dowling does not teach that the reset switch (or switches) is provided on said one side surface of said base plate, and said reset switch operating means is provided on said inner surface of

said front cover plate in face-to-face and spaced relationship with said reset switch.

But Lys teaches in a light module that the address for the processor is set by a switch unit containing switches which are connected to individual pin or pin set of processor (see Lys, col. 13, lines 47-49).

Lys also teaches that the switch mounted on a wall can transmit signal to a receiver, which can then transmit the signal to the microprocessor (see Lys, col. 26, lines 34-37).

Lys further teaches a track lighting system use both the physical and electrical properties of a track materials and a conventional the track lighting system delivers power and provides a mechanical support for light fixtures, which can generally be attached to the track at any location along its length by a customer without tools (see Lys, col. 26, lines 38-56).

It would have been obvious to having ordinary skill in the art at the time the invention was made to modify Dowling to include the light module as taught by Lys, because the light module of Lys allows to install a reset switch or switches in a conventional track lighting system, as desired.

***Final Rejection***

***Response to Arguments***

3. This action is responsive to papers filed 08/08/03.
4. Applicant's arguments filed 08/08/03 have been fully considered but they are not persuasive respect to claims 1-31. The Examiner has thoroughly reviewed applicant arguments, but believes the cited references to reasonably and properly meet the claimed limitations.

Applicants' primary argument is that "*Claims 1, 9, 14, 15, 17, 25, 30 and 31 of the present patent application has been rejected under 35 U.S.C. 102(b) as being anticipated by the newly cited reference, bowling et al. (U.S. Patent No. 6,548,667). However, the cited bowling et al. reference was published on April 15, 2003, and it was not published more than one year prior to the U.S. filing date of the present application, June 27, 2003. Therefore, the cited reference, bowling et al., is improper as a prior art under Section 102(b)*". The Examiner disagrees.

The Examiner has been the rejected the cited claims under 35 U.S.C. **102(e)**, and this rejection clear has the following quotation:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The Examiner amends the paragraph "Claims 1, 9, 14, 15, 17, 25, 30 and 31 are rejected under 35 U.S.C. 102(b) as being unpatentable over Dowling et al. (U.S. Patent No. 6,548,967)" should be --Claims 1, 9, 14, 15, 17, 25, 30 and 31

are rejected under 35 U.S.C. 102(e) as being unpatentable over Dowling et al. (U.S. Patent No. 6,548,967)--.

Further Applicants' argument is "*Claims 2-8, 10-13, 18, 20, 21, 23, 24, 26, 28 and 29 of the present patent application has been rejected under 35 U.S.C. 103(a) for obviousness from bowling et al. in view of Lys et al., U.S. Patent 6,459,919. The present application was filed claiming Convention Priority based on Japanese Patent application No. 2000-193202 duly filed on June 27, 2000. The Applicant respectfully asserts the benefit of Convention Priority based on the above-noted Japanese Patent application, which was duly filed in Japan earlier than the filing date of bowling et al., September 19, 2000*".

The Examiner notes that Dowling et al. claim priority from several United States patent applications filed between August 1997 and October 1999.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Claims 16, 19, 22 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

***Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mueller et al. [U.S. Patent No 6,016,038] describes a pulse width modulated current control for an LED lighting assembly.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (703) 308-4926. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

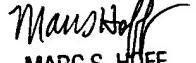
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (703) 308-1677. The fax phone numbers for the organization where this application or proceeding is assigned

are (703) 308-7382 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

September 30, 2003

F.S.

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800